



Office of the Attorney General
State of Texas

August 25, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. John Schneider
Assistant City Attorney
City of Pasadena
Box 672
Pasadena, Texas 77501

OR92-515

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16774.

The City of Pasadena (the "city") has received a request for the second page of a certain police offense report. Specifically, the requestor seeks the second page of offense report #91050398 concerning Jesse Garza. You claim that the requested information is excepted from required public disclosure by section 3(a)(3) of the Open Records Act.

Previous open records decisions issued by this office resolve your request. Section 3(a)(3) excepts

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

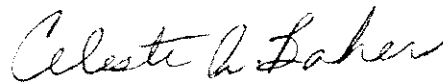
Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated and only to information clearly relevant to that litigation. Open Records Decision No. 551 (1990). "Whether litigation is reasonably

anticipated must be determined on a case-by-case basis." Open Records Decision No. 452 (1986) at 4.

The city has received notice of a claim against the city for damages arising out of alleged acts and omissions on the part of the city in connection with the shooting of Jesse Garza pursuant to the Texas Tort Claims Act. Civ. Prac. & Rem. Code ch. 101. You have submitted the notice of claim for our review. On the basis of this notice of claim, we conclude that litigation may be reasonably anticipated. Having examined the document submitted to us for review, we further conclude that the requested information relates to the anticipated litigation and may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. Please note that this ruling applies only for the duration of the litigation and to the documents at issue here.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-515.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 16774

cc: Ms. Angie Gallegos
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